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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,065	07/10/2003	Connie L. Chapman	55512	3796

27975 7590 07/31/2007  
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EXAMINER	
BLAIR, DOUGLAS B	

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
07/31/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/617,065	Applicant(s) CHAPMAN ET AL.	
	Examiner Douglas B. Blair	Art Unit 2142	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-36 are currently pending. The applicant's amendments have overcome the rejections based on 35 USC section 101. Also, the object to the specification for not providing support for a public information release authorization form has been withdrawn in view of the applicant's remarks.

### ***Response to Arguments***

2. Applicant's arguments filed 7/18/2007 with respect to the prior art have been fully considered but they are not persuasive. The applicant argues that the present application has priority based on provisional applications 60/141,306 and 60/146,254 and therefore Spencer is not a prior art reference. These provisional applications 60/141,306 and 60/146,254 do not provide written description support for the claimed subject matter because there is no reference at all to the claimed public information release authorization forms in either provisional application. The MPEP states, "If the application is a continuation-in-part of an earlier U.S. application or international application, any claims in the new application not supported by the specification and claims of the parent application have an effective filing date equal to the filing date of the new application" (See MPEP section 706.02(V)(B)). Therefore the applicant's claims are not entitled to the filing date of the provisional applications and Spencer is a prior art reference. The rejection based on Spencer is maintained.

### ***Double Patenting***

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3. Claims 1-3, 5-8, 12-15, 17-20, 24-27, 29-32 and 36 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 6, 12-23, 17, 22, 25, 31-32, 36, 42-43, 47, 52, 55, 58, 61, 62 and 65 of copending Application No. 09/596,629. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the current application are directed towards the same process of disseminating information as that claimed in the claims of 09/596,629. Though the applications claim different types of information, this distinction is irrelevant because the technical details of the invention are independent of the type of data transmitted and the particular human sender and receivers of the data.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The applicant's specification provides no description of what a computer-readable medium comprises. The reference to the computer-readable medium on page 4, line 28- page 5, line 4 is not a description.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,356,909 to Spencer.

7. As to claim 1, Spencer teaches a method for distributing a form over an intranet (col. 9, lines 57-59), the method comprising: creating and submitting a form over the intranet (col. 8, lines 16-38), the form being submitted by an author to at least one approver via e-mail with a hyperlink to the form (col. 8, lines 39-51); and transmitting comments for the form by the at least one approver via e-mail (col. 8, lines 39-51); however Spencer does not explicitly teach the form being a public information release form.

Though Spencer does not explicitly teach a public information authorization release form, it would be obvious to send such a form for approval because Spencer teaches sending forms over a network. A public information release form is an arbitrary type of form and thus would be covered by the disclosure of Spencer regarding forms broadly. The applicant never describes a public information release form so it is reasonable to interpret such an arbitrary term broadly and clearly the public information release authorization has no special features that make processing it any different form processing any other form.

8. As to claim 2, Spencer teaches a method according to Claim 1 wherein the intranet includes a plurality of users enrolled therein with each user having associated personnel information stored within the intranet, the method further comprising: selecting a first level of approvers from among the plurality of users for reviewing the PIRA form (col. 8, lines 48-51 and col. 13, lines 42-44); and transmitting a first notification message via e-mail to the first level of

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approvers, the first notification message having a hyperlink to the PIRA form (col. 8, lines 39-51).

9. As to claim 3, Spencer teaches sending the form to an account manager or some other form of manager (col. 2, lines 13-15) and a technical peer reviewer (Figure 5, reference number 53). As with the PIRA form, the claimed manager, program manager, and technical peer review are not disclosed as being any different than any other arbitrary approver and therefore it would be obvious to send a request for approval to any person with an arbitrary title.

10. As to claim 4, Spencer teaches having the author select the first level of approvers (col. 8, lines 39-51).

11. As to claim 5, Spencer teaches a method comprising creating a profile of the form in response to accessing associated personnel information of the author (col. 9, line 60-col. 10, line 6); and wherein at least one of the first level of approvers is selected based upon the created profile (col. 13, lines 36-44 and 65-57, the address book is associated with the user).

12. As to claim 6, Spencer teaches the first level of approvers reviewing the form concurrently (col. 14, lines 17-41).

13. As to claim 7, Spencer teaches a method of selecting a second level of approvers from the plurality of users for reviewing the form and transmitting a second notification message via email to the second level of approvers, the second notification message having a hyperlink to the form (col. 15, lines 15-40).

14. As to claim 8, as discussed in the rejection of claim 3, it would have been obvious to send a request for approval to an arbitrary team member.

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15. As to claim 9, In Spencer the first receiver of the RFP is considered the system administrator (col. 15, lines 15-40).

16. As to claim 10, In Spencer, Figure 5 shows that the reviewer in the second level view the form sequentially (References numbers 45-54 show a sequential process).

17. As to claim 11, Spencer teaches a method of stopping the approval process if one of the second level of approvers rejects the form (col. 15, lines 38-40).

18. As to claim 12, Spencer teaches adding an attachment to a form (col. 6, lines 12-14 and Figure 4, reference number 29, col. 13, lines 25-27).

19. As to claims 13-24, they are directed towards and intranet implementing the method of claims 1-12 and are therefore obvious for reasons pointed out in the rejection of claims 1-12.

20. As to claims 25-36, they are directed towards a medium for implementing the method of claims 1-12 and are therefore obvious for the reasons pointed out in the rejection of claims 1-12.

### ***Conclusion***

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893.

The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas Blair

DBB



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER